

Executive Summary – Enforcement Matter – Case No. 45045

BASF Corporation

RN100225689

Docket No. 2012-1934-IHW-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

IHW

Small Business:

No

Location(s) Where Violation(s) Occurred:

BASF Pasadena, 4403 LaPorte Highway 225, Pasadena, Harris County

Type of Operation:

Chemical manufacturing facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: March 22, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$47,700

Amount Deferred for Expedited Settlement: \$9,540

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$38,160

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

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BASF Corporation

RN100225689

Docket No. 2012-1934-IHW-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: June 8, 2012

Date(s) of NOE(s): August 29, 2012

Violation Information

1. Failed to prevent the disposal of Class 1 waste at an unauthorized facility. Specifically, two 25-yard roll-off containers containing Class 1 Polychlorinated Biphenyls ("PCB")-contaminated waste above 50 parts per million were disposed of at an unauthorized facility on February 29 and March 2, 2012 [30 TEX. ADMIN. CODE § 335.2(b)].

2. Failed to correctly manifest Class 1 waste utilizing a completed Uniform Hazardous Waste Manifest. Specifically, two 25-yard roll-off containers containing Class 1 PCB-contaminated waste were manifested as Class 2 wastes utilizing preprinted Waste Management Non-Hazardous Waste Manifests on February 29 and March 2, 2012 [30 TEX. ADMIN. CODE § 335.10].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent has implemented the following corrective measures:

- a. Removed the Class 1 PCB-contaminated waste from the unauthorized facility on March 8, 2012 and disposed of it at an authorized facility; and
- b. Developed standard operating procedures which are to be followed by employees in the disposal of waste, including but not limited to, ensuring proper manifests accompany all shipments of waste on March 5, 2012.

Technical Requirements:

N/A

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

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BASF Corporation

RN100225689

Docket No. 2012-1934-IHW-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Danielle Porras, Enforcement Division,
Enforcement Team 7, MC R-12, (713) 767-3682; Debra Barber, Enforcement Division,
MC 219, (512) 239-0412

TCEQ SEP Coordinator: N/A

Respondent: Robert J. Osterhold, Site Director, BASF Corporation, 4403 LaPorte
Road, Pasadena, Texas 77501

Lisa Harlow, Senior Environmental Health and Safety Specialist, BASF Corporation,
4403 LaPorte Road, Pasadena, Texas 77501

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	4-Sep-2012	Screening	11-Sep-2012	EPA Due	
	PCW	22-Jan-2013				

RESPONDENT/FACILITY INFORMATION

Respondent	BASF Corporation		
Reg. Ent. Ref. No.	RN100225689		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	45045	No. of Violations	2
Docket No.	2012-1934-IHW-E	Order Type	1660
Media Program(s)	Industrial and Hazardous Waste	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Danielle Porras
		EC's Team	Enforcement Team 7
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$30,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **84.0%** Enhancement **Subtotals 2, 3, & 7** **\$25,200**

Notes

Enhancement for two NOV's with dissimilar violations and four orders with denial of liability.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$7,500**

Economic Benefit **0.0%** Enhancement* **Subtotal 6** **\$0**

Total EB Amounts **\$2**
Approx. Cost of Compliance **\$2,632**

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$47,700**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$47,700**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$47,700**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$9,540**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$38,160**

Screening Date 11-Sep-2012

Docket No. 2012-1934-IHW-E

PCW

Respondent BASF Corporation

Policy Revision 3 (September 2011)

Case ID No. 45045

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100225689

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Danielle Porras

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	4	80%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 84%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for two NOVs with dissimilar violations and four orders with denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 84%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 84%

Screening Date 11-Sep-2012

Docket No. 2012-1934-IHW-E

PCW

Respondent BASF Corporation

Policy Revision 3 (September 2011)

Case ID No. 45045

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100225689

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Danielle Porras

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 335.2(b)

Violation Description

Failed to prevent the disposal of Class 1 waste at an unauthorized facility. Specifically, two 25-yard roll-off containers containing Class 1 Polychlorinated Biphenyls ("PCB")-contaminated waste above 50 parts per million were disposed of at an unauthorized facility on February 29 and March 2, 2012.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 2

2 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$15,000

Two single events are recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$3,750

Extraordinary

Before NOV NOV to EDPRP/Settlement Offer

Ordinary

N/A

(mark with x)

Notes

The Respondent came into compliance on March 8, 2012, prior to the Notice of Enforcement ("NOE") dated August 29, 2012.

Violation Subtotal \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$23,850

This violation Final Assessed Penalty (adjusted for limits) \$23,850

Economic Benefit Worksheet

Respondent BASF Corporation

Case ID No. 45045

Reg. Ent. Reference No. RN100225689

Media Industrial and Hazardous Waste

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$1,132	29-Feb-2012	8-Mar-2012	0.02	\$1	n/a	\$1
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to remove the Class 1 waste and dispose of it at a facility authorized to accept the waste. The Date Required is the first date of disposal and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,132

TOTAL

\$1

Screening Date 11-Sep-2012

Docket No. 2012-1934-IHW-E

PCW

Respondent BASF Corporation

Policy Revision 3 (September 2011)

Case ID No. 45045

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100225689

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Danielle Porras

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 335.10

Violation Description

Failed to correctly manifest Class 1 waste utilizing a completed Uniform Hazardous Waste Manifest. Specifically, two 25-yard roll-off containers containing Class 1 PCB-contaminated waste were manifested as Class 2 wastes utilizing preprinted Waste Management Non-Hazardous Waste Manifests on February 29 and March 2, 2012.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

	Release	Major	Harm	Moderate	Minor
Actual					
Potential		x			

Percent 30.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 2

2 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$15,000

Two single events are recommended (one for each unauthorized shipment).

Good Faith Efforts to Comply

25.0% Reduction

\$3,750

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent came into compliance on March 5, 2012, prior to the NOE dated August 29, 2012.

Violation Subtotal \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$23,850

This violation Final Assessed Penalty (adjusted for limits) \$23,850

Economic Benefit Worksheet

Respondent BASF Corporation
Case ID No. 45045
Reg. Ent. Reference No. RN100225689
Media Industrial and Hazardous Waste
Violation No. 2

Percent Interest 5.0
Years of Depreciation 15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,000	29-Feb-2012	5-Mar-2012	0.01	\$1	n/a	\$1
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	29-Feb-2012	5-Mar-2012	0.01	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to ensure proper manifests accompany all shipments of hazardous wastes (\$500) and estimated cost to develop and implement standard operating procedures to prevent disposal of Industrial Hazardous Waste at unauthorized facilities (\$1,000). The Date Required is the first date of disposal and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$1



Compliance History Report

PENDING Compliance History Report for CN600124895, RN100225689, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator:	CN600124895, BASF Corporation	Classification:	SATISFACTORY	Rating:	6.92
Regulated Entity:	RN100225689, BASF PASADENA	Classification:	SATISFACTORY	Rating:	21.63
Complexity Points:	11	Repeat Violator:	NO		
CH Group:	05 - Chemical Manufacturing				
Location:	4403 LAPORTE HWY 225 PASADENA, TX 77501-, HARRIS COUNTY				
TCEQ Region:	REGION 12 - HOUSTON				

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG1249P

AIR NEW SOURCE PERMITS PERMIT 8084A

AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG1249P

AIR NEW SOURCE PERMITS PERMIT 83808

INDUSTRIAL AND HAZARDOUS WASTE EPA ID

TXD980808778

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50385

IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 33849

POLLUTION PREVENTION PLANNING ID NUMBER P06431

AIR OPERATING PERMITS PERMIT 1331

AIR NEW SOURCE PERMITS PERMIT 8199A

AIR NEW SOURCE PERMITS AFS NUM 4820100422

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1011974

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE

REGISTRATION # (SWR) 33849

WATER LICENSING LICENSE 1011974

AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG1249P

Compliance History Period: September 01, 2007 to August 31, 2012 **Rating Year:** 2012 **Rating Date:** 09/01/2012

Date Compliance History Report Prepared: September 24, 2012

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: September 24, 2007 to September 24, 2012

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Danielle Porras

Phone: (713) 767-3682

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 09/21/2009 ADMINORDER 2009-0525-AIR-E (1660 Order)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter B 117.310(c)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT III 60.612(a)

Rqmt Prov: S.C. 1 PERMIT

Description: Failed to comply with the permitted emissions rates at Scrubber Outlet Stack No. 2 (EPN 112) for NO_x, CO, and VOC. Specifically, during a stack test conducted on December 13, 2007, NO_x emissions were 0.09 lb/hr, whereas the permitted limit was 0.01 lb/hr. CO emissions were 79.93 lb/hr and 700.19 ppm at 3% oxygen, whereas the permitted limits are 22.8 lb/hr and 400 ppm, respectively. VOC emissions were 31.61 lb/hr and 174.7 ppm, whereas the permitted limits were 9.04 lb/hr and 20 ppm, respectively.

2 Effective Date: 02/22/2010 ADMINORDER 2009-1386-AIR-E (1660 Order)

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 11A PERMIT

Special Term and Condition 14 OP

Description: Failure to maintain the minimum net heating value on the flare. (CATEGORY B18 VIOLATION)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 10 PERMIT

Special Term and Condition 14 OP

Description: Failure to stay below the maximum NO_x levels on boiler F8. (CATEGORY B18 VIOLATION)

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.764
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 12 PERMIT

Special Term and Condition 14 OP

Description: Failure to take readings from the HRVOC analyzer at cooling tower CTWR-1. (CATEGORY B18 VIOLATION)

3 Effective Date: 05/08/2011 ADMINORDER 2010-1726-AIR-E (1660 Order)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: TCEQ Permit No. 8199A, SC #1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, 1,517 pounds of butene, a highly reactive volatile organic compound, were released when the Respondent's contractors hit a pipeline for the 2-Propylheptanol Unit, resulting in an emissions event (Incident No. 140005) which began on May 20, 2010, and lasted for five hours and 47 minutes. Since the emissions event was avoidable by better operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affair

4 Effective Date: 03/16/2012 ADMINORDER 2011-1144-IHW-E (1660 Order)

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter H 335.221(a)(15)
30 TAC Chapter 335, SubChapter H 335.221(a)(6)
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)(2)(ii)(A)
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)(7)(iii)
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.104(b)(1)

Rqmt Prov: Provision V.I.3.b. PERMIT

Provision V.I.3.d PERMIT

Description: Failed to properly operate and maintain the AWFCO system to automatically cutoff the hazardous waste feed when operating conditions deviate from permitted limitations. Specifically, a review of the daily operational log for the F-8 Boiler Unit indicated that hazardous waste (2-propyl heptanol) was fed into the boiler from 11:52 a.m. until 12:31 p.m. on February 5, 2011, during which time the boiler exceeded the maximum emissions limitation of 100 parts

per million by volume ("ppmv") for carbon m

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter H 335.221(a)(6)

40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)(8)(i)(B)

Rqmt Prov: Provision V.I.7.c. PERMIT

Description: Failed to perform daily calibration of the CEMS when feeding hazardous waste to the boiler units, in violation of 30 TEX. ADMIN. CODE § 335.221(a)(6), 40 CFR § 266.102(e)(8)(i)(B) and IHW Permit No. 50385, Provision No. V.I.7.c., as documented during an investigation conducted on May 3, 2011. Specifically, the Respondent did not conduct daily calibrations for the following days: November 3, 2010; November 15 through November 26, 2010; January 15 and 16, 2011; January 23 and 24, 2011, and

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	March 03, 2008	(611378)
Item 2	June 05, 2008	(654468)
Item 3	June 15, 2008	(434901)
Item 4	August 29, 2008	(688534)
Item 5	February 06, 2009	(671608)
Item 6	March 16, 2009	(682025)
Item 7	July 31, 2009	(761134)
Item 8	August 13, 2009	(749540)
Item 9	November 23, 2009	(778109)
Item 10	December 14, 2010	(878339)
Item 11	March 10, 2011	(900083)
Item 12	June 07, 2011	(919700)
Item 13	March 21, 2012	(983015)
Item 14	March 30, 2012	(976195)
Item 15	June 20, 2012	(1014287)
Item 16	July 25, 2012	(1020320)
Item 17	August 24, 2012	(1013719)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date: 03/20/2012 (981463)	CN600124895
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 116, SubChapter B 116.115(c) 5C THSC Chapter 382 382.085(b) Special Condition 1 PERMIT	
	Description: Failure to prevent unauthorized emissions due to a damaged isolation valve.	
2	Date: 08/31/2012 (989124)	CN600124895
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) SC 1 PERMIT ST&C 13 OP	
	Description: Failure to prevent and exceedence of the maximum allowable emission rate (MAER) for Flare 1 (EPN: 16). (Category B13)	
	Self Report? NO	Classification: Minor
	Citation: 30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) SC 18E PERMIT	

Description:	ST&C 1 OP Failure to prevent open ended lines (OELs) in the 2-propyl heptanol (2PH) Unit. (Category C10)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii) 5C THSC Chapter 382 382.085(b) ST&C 1A OP		
Description:	Failure to maintain the minimum net heating value on Flare 1 (EPN: 16) for 13 hours. (Category C4)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) SC 5 PERMIT ST&C 13 OP		
Description:	Failure to prevent the bypassing of a control device 48 times during the compliance period. (Category B18)		

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
BASF CORPORATION
RN100225689**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2012-1934-IHW-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding BASF Corporation ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent operates a chemical manufacturing facility at 4403 LaPorte Highway 225 in Pasadena, Harris County, Texas (the "Facility").
2. The Facility involves or involved the management of industrial hazardous waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about September 3, 2012.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Forty-Seven Thousand Seven Hundred Dollars (\$47,700) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Thirty-Eight Thousand One Hundred Sixty Dollars (\$38,160) of the administrative penalty and Nine Thousand Five

Hundred Forty Dollars (\$9,540) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. Removed the Class 1 Polychlorinated Biphenyls ("PCB")-contaminated waste from the unauthorized facility on March 8, 2012 and disposed of it at an authorized facility; and
 - b. Developed standard operating procedures which are to be followed by employees in the disposal of waste, including but not limited to, ensuring proper manifests accompany all shipments of waste on March 5, 2012.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As operator of the Facility, the Respondent is alleged to have:

1. Failed to prevent the disposal of Class 1 waste at an unauthorized facility, in violation of 30 TEX. ADMIN. CODE § 335.2(b), as documented during an investigation conducted on June 8, 2012. Specifically, two 25-yard roll-off containers containing Class 1 PCB-contaminated waste above 50 parts per million were disposed of at an unauthorized facility on February 29 and March 2, 2012.
2. Failed to manifest Class 1 waste utilizing a correctly completed Uniform Hazardous Waste Manifest, in violation of 30 TEX. ADMIN. CODE § 335.10, as documented during an

investigation conducted on June 8, 2012. Specifically, two 25-yard roll-off containers containing Class 1 PCB-contaminated waste were manifested as Class 2 wastes utilizing preprinted Waste Management Non-Hazardous Waste Manifests on February 29 and March 2, 2012.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: BASF Corporation, Docket No. 2012-1934-IHW-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other

means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Perry Monin Jr.
For the Executive Director

6/5/13
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

[Signature]
Signature

2/4/13
Date

ROBERT J. OSTERHOLD
Name (Printed or typed)
Authorized Representative of
BASF Corporation

SITE DIRECTOR
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.